

REMARKS

In this Amendment, Applicant has amended Claims 31, 33, 34, 35, 37 – 42, 45, 47, 48 and 50 to overcome the rejections and further specify the embodiments of the present invention. In addition, the specification has been amended to correct informalities. It is respectfully submitted that no new matter has been introduced by the amended claims and specification. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

DRAWING OBJECTION:

The drawings have been objected as containing informalities.

It is respectfully submitted that the specification has been amended to consistently refer to the knife by reference numeral “2” and refer to the tooth by reference numeral “9.” In addition, reference numerals “8/1” and “8/2” have been amended to consistently refer to “top surface supporting surface.” Thus, amendment to the drawings is unnecessary.

Therefore, the objections to the drawings have been overcome and withdrawal of objection is respectfully requested.

SPECIFICATION OBJECTION:

The specification has have been objected as containing informalities.

It is respectfully submitted that the informalities pointed out by the Examiner have been corrected. More specifically, the relevant parts of the specification related to the subject matter of Claims 38 – 39 have been amended. In addition, Claims 38 – 39 have been amended to be consistent with the specification.

Therefore, the objections to the specification have been overcome and withdrawal of objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAGRAPH:

Claims 31, 33 – 34, 37, 40 – 42, 45 and 47 – 48 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that the rejections have been overcome by this amendment. More specifically, Claim 31 has been amended to point out that the knife receiving device is a part of the tooth body. The phrase “in such a way ...” has been deleted. In Claim 33, “cylinder like” has been changed to “in a cylinder shape.” Claims 34, 41 and 42 have been amended to recite “a wedge or conical shape.” The term “preferred” has been deleted from Claims 37, 40, 41, 45. Claims 47 and 48 have been amended to point out that the cutting bodies are provided on the knife and the both cutting bodies are in a disc shape. It is respectfully point out that Claim 48 includes antecedent basis for “the first cutting body and the second cutting body.”

Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102:

Claims 49 – 50 have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Gelai (EP Pat. No. 0771911).

Applicant traverses the rejection and respectfully submits that the presently claimed invention is not anticipated by the cited references. According to MPEP 2131, “A claim is anticipated only if each and every element as set forth in the claim is found,

either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 49 refers to a comminution cylinder with at least one knife holder according to Claim 31. Gelai does not disclose or suggest the knife holder or a comminution cylinder with the knife holder as claimed. Because this knife holder is novel, the comminution cylinder is novel as well. The same applies for Claim 50.

In summary, the newly presented claims are not anticipated by Gelai and the rejection under 35 U.S.C. § 102 (b) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 (b) is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 31 – 48 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Pizzuto (DE Pat. No. 20116344U) in view of Gelai.

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over the cited prior art references. More specifically, Pizzuto differs from the present invention, as the knife holder at the tooth body is formed as a projection, which is mounted in a corresponding recess at the knife. Unlike this, the present application claims an embodiment of the tooth body with a recess in which a respective projection or respective recess at the knife holder is attached or positioned. This leads to a significantly improved positioning of the knife at the tooth body and supports the durability of the comminution device compared to Pizzuto.

Furthermore, Applicant respectfully disagrees with the opinion of the Examiner that the projection, which by the way is not present, is formed in a wedge-like shape. From Figure 7 of Pizzuto, only an oval recess at the knife is shown, which mates with a respective recess at the tooth body. In view of Gelai, it should be noted that, in the present invention, a J-shaped recess of the supporting device is presented. On the other

hand, Gelai provides that the tooth is introduced in a respective boring at the tooth body and is fixed therein. A person of ordinary skill in the art with knowledge of the embodiment of the tooth from Pizzuto could in no way combined Pizzuto with the support according to Gelai, because an introduction of the tooth of Pizzuto in the device according to Gelai is not possible and would make the device inoperable.

Thus, a person of ordinary skill in the art would never combine these references and would thus never arrive at the subject matter of the present invention at all. Accordingly, Claim 31 is considered patentable over Pizzuto in view of Gelai. The same reasoning applies to Claims 32 – 48.

Claim 32 defines that at least a part of the knife can be put in the knife holder. Respective embodiment was not demonstrated by Pizzuto. In addition, in case of Claim 33, the embodiment that the recess has at its front end, seen in the direction of cutting, a nose, and the nose of the recess is designed cylinder-like cannot be gathered from Pizzuto. The advantage of this embodiment is the significantly improved positioning of the knife at the knife holder, which contributes to the fact, that the comminution device can be operated with lower maintenance costs, and that the knife can be positioned safely at the comminution cylinder.

The embodiment of the knife holder as presented in Claim 34 is not obvious over Pizzuto and Gelai as well. By the respective embodiments of the supporting surfaces, which are wedge-like or run conically to the outside, an improved positive fit between tooth body and knife is obtained, which significantly improves the positioning of the knife.

Claim 35 is directed to the embodiment that the tooth body and the knife have corresponding shapes. By using the shape defined by Claim 35, a significantly improved positive fit between tooth body and knife is obtained so that an improvement of the positioning of the knife at the tooth body can be achieved.

Claim 36 refers to an embodiment to mount the tooth body at the comminution cylinder. Pizzuto remains silent on this feature and Gelai only suggests to weld the tooth body to the respective surfaces of the cylinder. The provision of a centering device is not disclosed by any of the two references. Thus Claim 36 should be patentable over Pizzuto and in view of Gelai.

The embodiment of the tooth body referenced by Claim 38 is not shown by Pizzuto, even in view of Gelai. Claims 40 to 46 refer to embodiments of the knife as tooth and are not obvious over cited references due to their dependency on Claim 31.

Claims 47 and 48 are not obvious over cited references in view of the clarification as mentioned above and due to their dependency on Claim 31.

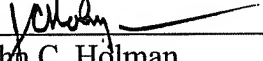
Therefore, the rejection under 35 U.S.C. §103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. §103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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